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8 Attorneys for Defendant
9 AMERIPRISE FINANCIAL SERVICES, INC.

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12 **CV08-07137 PSG (Ex)**
13 CASE NO:

14 JUSTIN REESE,

15 Plaintiff,

16 vs.

17 AMERIPRISE FINANCIAL
18 SERVICES, INC., a Delaware
19 corporation, GEORGE ALEX ZEPPUS
20 and DOES 1 through 100 inclusive,
21 Defendants.

22 **NOTICE OF REMOVAL PURSUANT
23 TO 28 U.S.C. SECTIONS 1332 AND
24 1441(B)**

25 TO THE CLERK OF THE ABOVE ENTITLED COURT:

26 PLEASE TAKE NOTICE THAT Defendant Ameriprise Financial Services, Inc.
27 (which does business in California as Ameriprise Financial Services, Inc.), (hereinafter
28 "Defendant" or "Ameriprise Financial") hereby removes to the United States District
Court for the Central District of California the state court action described below:

1. On September 19, 2008, a civil action was commenced by Plaintiff Justin
Reese ("Plaintiff"), in the Superior Court of the State of California, for the County of

1 Los Angeles, entitled Justin Reese v. Ameriprise Financial Services, Inc., George Alex
2 Zeppos and Does 1-100, inclusive, case no. BC398483 (hereafter, the "State Court
3 Action"). A true and correct copy of the Summons, Complaint and all related
4 documents served on Defendant in the State Court Action are attached hereto as Exhibit
5 A.

6 2. Plaintiff served a copy of the Summons and Complaint on Defendant
7 Ameriprise Financial on September 29, 2008. (*See* Declaration of Jessica Linehan, ¶ 1).
8 The Summons and Complaint were served by Plaintiff on said Defendant through its
9 registered agent for service in California on September 29, 2008. *Id.* The Complaint
10 was accompanied by, *inter alia*, a Complaint for Damages that placed Defendant on
11 notice of the claims and damages in controversy in this action. *Id.* This removal is
12 timely because this notice of removal was filed and served by Defendant within 30 days
13 of the date on which Defendant was served with the Complaint. The Summons,
14 Complaint for Damages, and related documents attached as Exhibit A constitute all of
15 the pleadings, process and orders served on Defendant in the State Court Action.

16 3. The State Court Action is a civil action of which this United States District
17 Court has original jurisdiction under 28 U.S.C. Section 1332, and is one which may be
18 removed to this District Court by Defendant pursuant to 28 U.S.C. Section 1441(b) in
19 that this is an action between citizens of different states and the matter in controversy
20 likely exceeds the sum of \$75,000, exclusive of interest and costs. Plaintiff has stated
21 his amount of damages as in excess of \$25,000, and alleges lost salary, bonuses, and
22 other employment benefits. Plaintiff also alleges both past and future damages due to
23 emotional distress, humiliation, mental anguish and embarrassment, as well as physical
24 symptoms and punitive damages. *See* Complaint for Damages, attached hereto as
25 Exhibit A.

26 4. From the date of filing of the State Court Action to the present, and during
27 all relevant times herein, Plaintiff, on the one hand, and Defendants, on the other hand,
28 were and are citizens of different states, as follows:

1 (a) Plaintiff, from the date of filing of the State Court Action to the
2 present, is and has been a citizen and resident of the State of California. *See* Complaint,
3 p. 2, ¶ 1.

4 (b) Plaintiff's Complaint identifies Ameriprise Financial Services, Inc.
5 as a Defendant. Ameriprise Financial Services, Inc. is not a citizen of the State of
6 California. Rather, Ameriprise Financial Services, Inc., from the date of filing of the
7 State Court Action to the present, is and has been a corporation organized and existing
8 under the laws of the State of Delaware, with its principal place of business located in
9 the State of Minnesota. A true and correct copy of the California Secretary of State
10 summary regarding Ameriprise Financial Services, Inc., is attached hereto as Exhibit B.

11 (c) Plaintiff's Complaint identifies George Alex Zeppos as a Defendant.
12 George Alex Zeppos, from the date of filing of the State Court Action to the present, to
13 the best of Defendant Ameriprise Financial's knowledge, has been a citizen and resident
14 of the State of Massachusetts, although Plaintiff states in the Complaint that George
15 Alex Zeppos currently resides in Pennsylvania. As a result, whether Mr. Zeppos is a
16 citizen and resident of Massachusetts or Pennsylvania, there still exists complete
17 diversity between the parties. Complaint, p. 2, ¶ 3.

18 5. The State Court Action alleges that the amount in controversy is in excess
19 of \$25,000, and alleges a lengthy list of compensatory and punitive damages including
20 lost salary, bonuses, other employment benefits, as well as emotional distress damages
21 (both past and future), which are more probable than not to be in excess of \$75,000, and
22 thus be above the jurisdictional minimum of this court. *See White v. FCI USA, Inc.*, 319
23 F.3d 672, 674 (5th Cir. 2003); Complaint for Damages, attached hereto as Exhibit A.

24 6. Therefore, complete diversity exists between the Plaintiff, Defendant
25 Ameriprise Financial and Defendant George Alex Zeppos, and diversity jurisdiction is
26 proper before this District Court.

1 DATED: October 29, 2008

DORSEY & WHITNEY LLP


2
3 By 
4 Jessica L. Linehan
5 Attorneys for Defendant AMERIPRISE
6 FINANCIAL SERVICES, INC.
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EXHIBIT A

9-29-08
1:20 PM

SUM-100

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

AMERIPRISE FINANCIAL SERVICES, INC., a Delaware Corporation,
GEORGE ALEX ZEPPPOS and DOES 1-100 inclusive,

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
JUSTIN REESE

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

SEP 19 2008

John A. Clarke, Executive Officer/Clerk

BY SHAUNYA WESLEY, Deputy

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):

Los Angeles Superior Court
111 N. Hill Street
Los Angeles, CA 90012

CASE NUMBER:
(Número del Caso):

BC 398483

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Joshua W. Glotzer, 6399 Wilshire Blvd., Suite #840, Los Angeles, CA 90048, (323) 456-0288

DATE:
(Fecha)

SEP 19 2008

Clerk, by
(Secretario)

S. WESLEY

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons. (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): Ameriprise Financial Services, Inc.

- under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

4. ☒ by personal delivery on (date): 9-29-08

FILED

LOS ANGELES SUPERIOR COURT

SEP 19 2008

JOHN A. CLARKE, CLERK

BY SHAUNYA WESLEY, DEPUTY

Steven M. Sweat Esq. [State Bar No. 181867]
LAW OFFICES OF STEVEN M. SWEAT
6399 Wilshire Blvd., Suite #810
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Attorneys for Plaintiff,
JUSTIN REESE

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

JUSTIN REESE,

Plaintiff,

vs.

AMERIPRISE FINANCIAL SERVICES
INC., a Delaware Corporation, GEORGE
ALEX ZEPPPOS and Does 1-100 inclusive,

Defendants.

CASE NO. BC 398483

COMPLAINT FOR DAMAGES

Over \$25,000.00

PLAINTIFF, JUSTIN REESE, complains and alleges as follows:

GENERAL ALLEGATIONS

Complaint for Damages

CIT/CASE: BC398483 LEA/DEF#: 0310
RECEIPT #: CCH965980069
DATE PAID: 09/19/08 12:47:58 PM
PAYMENT: \$320.00
RECEIVED:
CHECK: 320.00
CASH:
CHANGE:
CARD:

D76 Gregory Alarcon

1 1. At all times herein mentioned, Plaintiff, JUSTIN REESE (hereinafter "REESE"), was
2 a resident of the County of Los Angeles, State of California.

3 2. At all times herein mentioned, Defendant, AMERIPRISE FINANCIAL SERVICES,
4 INC., (hereinafter "AMERIPRISE") is and was a Delaware Corporation duly licensed to do business
5 in California with its principal place of business located at 11835 W. Olympic Blvd., Suite 900E,
6 Los Angeles, CA 90064.

7 3. At all times herein mentioned, Defendant, GEORGE ALEX ZEPPOS (hereinafter
8 "ZEPPOS") resided in the County of Los Angeles, State of California. Plaintiff is informed, believes
9 and based thereon alleges that Defendant ZEPPOS currently resides at 1050 Oak Mill Rd, Reading,
10 PA 19610.

11 4. At all times herein mentioned, Defendant AMERIPRISE employed Plaintiff at 11835
12 West Olympic Blvd., Suite 900E, Los Angeles, CA 90064.

13 5. Plaintiff JUSTIN REESE, is a man who was hired by Defendant, AMERIPRISE, in or
14 about May of 2006 as an investment advisor.. At the time of Plaintiff's constructive termination
15 from AMERIPRISE on or about April 16, 2008, Plaintiff was earning approximately \$80,000.00 per
16 year.

17 6. Plaintiff is informed and believes that at all times herein mentioned, George Zeppos
18 (hereinafter "ZEPPOS") was a managing agent of AMERIPRISE. Plaintiff is informed and believes
19 that at all times herein mentioned, ZEPPOS worked as a supervisor for AMERIPRISE. Plaintiff is
20 informed and believes that ZEPPOS was instrumental in the constructive termination of Plaintiff's
21 employment from Defendant, AMERIPRISE.

22 7. Plaintiff is informed and believes that at all times herein mentioned, Lauren
23 Cavanaugh (hereinafter "CAVANAUGH") was a managing agent of AMERIPRISE. Plaintiff is
24 informed and believes that at all times herein mentioned, CAVANAUGH worked as a supervisor for
25 AMERIPRISE. Plaintiff is informed and believes that CAVANAUGH was instrumental in the
26 constructive termination of Plaintiff's employment from Defendant, AMERIPRISE.

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Complaint for Damages

1 8. Plaintiff is informed and believes that at all times herein mentioned, Taylor Hamilton
2 (hereinafter "HAMILTON") was a managing agent of AMERIPRISE. Plaintiff is informed and
3 believes that at all times herein mentioned, HAMILTON worked as a supervisor for AMERIPRISE.
4 Plaintiff is informed and believes that HAMILTON was instrumental in the constructive termination
5 of Plaintiff's employment from Defendant, AMERIPRISE.

6 9. Plaintiff is ignorant of the true names and capacities, whether individual, corporate, or
7 associate, of those defendants fictitiously sued as DOES 1 through 100 inclusive and so the Plaintiff
8 sues them by these fictitious names. The Plaintiff is informed and believes that each of the DOE
9 defendants reside in the State of California and are in some manner responsible for the conduct
10 alleged herein. Upon discovering the true names and capacities of these fictitiously named
11 Defendants, the Plaintiff will amend this complaint to show the true names and capacities of these
12 fictitiously named Defendants.

13 10. Unless otherwise alleged in this complaint, Plaintiff is informed, and on the basis of
14 that information and belief, thereon alleges that at all times herein mentioned, each of the remaining
15 co-Defendants, in doing the things hereinafter alleged, were acting within the course, scope and
16 under the authority of their agency, employment, or representative capacity, with the consent of
17 her/his co-Defendants.

18 11. Starting in May of 2006 until Plaintiff's constructive termination from
19 AMERIPRISE,, Defendant ZEPPOS, the field vice president of Defendant, harassed and
20 discriminated against Plaintiff on a constant basis. Defendant ZEPPOS verbally accosted Plaintiff
21 calling him a "fucking faggot" on several occasions. When Plaintiff first started working for
22 Defendant, Defendant ZEPPOS told Plaintiff he wanted to make out with his girlfriend, who was in
23 training to work at Ameriprise at the time. Defendant ZEPPOS would constantly make comments
24 about Plaintiff's physique including telling Plaintiff he had the body of a "12 year old boy."
25 Defendant ZEPPOS would also physically harass Plaintiff in a sexual manner grabbing Plaintiff's
26 buttocks on several different occasions. Defendant ZEPPOS would also grab Plaintiff's crotch area

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Complaint for Damages

1 on several occasions as well. Plaintiff protested to Defendant ZEPPOS on several occasions asking
2 him to stop his severely inappropriate conduct. Defendant ZEPPOS did not refrain from his conduct
3 and grabbed Plaintiff again in an elevator at work. Defendant ZEPPOS would also make constant
4 inappropriate racial slurs at work in front Plaintiff calling other employees "nigger" in front of
5 Plaintiff. Plaintiff also observed Defendant ZEPPOS make discriminatory remarks about Hispanic
6 and Asian employees. Mr. ZEPPOS also harassed another male employee telling people in the office
7 that the employee was a "homosexual."

8 12. Plaintiff complained about Defendant ZEPPOS to George Borderlon, Group Vice
9 President for Defendant, in or about September of 2007. Shortly thereafter, Defendant ZEPPOS was
10 transferred out of Plaintiff's office location. In or about October of 2007, Bruce Borderlorn referred
11 Plaintiff's complaint to HR where Plaintiff again complained and documented the verbal and
12 physical harassment of Defendant ZEPPOS. Eventually Defendant ZEPPOS was asked to step
13 down as a vice-president and was allowed to transfer to an independent agent.

14 13. Within one week after ZEPPOS left AMERIPRISE, investigators from AMERIPRISE
15 came to Plaintiff's office and spent all day copying every file Plaintiff ever had. Plaintiff is informed
16 believes and based thereon alleges that supervisors CAVANAUGH and HAMILTON made
17 Plaintiff's working environment even more hostile when Defendant ZEPPOS left the office telling
18 other employees of AMERIPRISE that Plaintiff was the person who "ratted out" Defendant
19 ZEPPOS.

20 14. Over the course of September, October, November and December of 2007, Plaintiff's
21 work files, recommendations and transactions were looked over with intense scrutiny. Supervisors at
22 AMERIPRISE called it a "random audit." Plaintiff was also treated differently after his complaints
23 about Defendant ZEPPOS including being removed from being a Mentor Coach to new investment
24 advisors in the company.

25 15. In or about January of 2008, AMERIPRISE had two of its employees meet with Plaintiff
26 and accuse him of forging client signatures. Plaintiff denied the allegations and told them to feel free
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Complaint for Damages

1 to contact any of his clients to verify. None of the allegations were true and AMERIPRISE never
 2 informed Plaintiff of the result of the investigation but rather decided to report the investigation to
 3 the Financial Industry Regulatory Authority (hereinafter "FINRA") and have the fact of the
 4 investigation placed on Plaintiff's permanent record as set forth on his U5 form with the FINRA.
 5 The investigation had no merit and none of the allegations were ever substantiated.

6 16. As a result of the extremely hostile nature Plaintiff was being treated after complaining
 7 of the illegal conduct of Defendant ZEPPUS, Plaintiff's position with DEFENDANT was
 8 constructively terminated on April 16, 2008.

9 17. As a result of being subjected to discrimination, harassment and termination of
 10 employment by Defendant, Plaintiff suffered injuries including sleeplessness, stress, depression, and
 11 anxiety. Further, as a result of all of the foregoing and following actions taken towards Plaintiff as
 12 alleged herein, Plaintiff has incurred loss of earnings, benefits, and bonuses in an amount not yet
 13 ascertained.

14 18. All of the foregoing and following actions taken towards Plaintiff as alleged herein
 15 were carried out by Defendants in a deliberate, cold, callous, malicious, oppressive, and intentional
 16 manner in order to injure and damage the Plaintiff.

17 **FIRST CAUSE OF ACTION**

18 **SEXUAL HARASSMENT [HOSTILE WORK ENVIRONMENT] IN VIOLATION OF** 19 **GOVERNMENT CODE § 12940 ET SEQ. [FAIR EMPLOYMENT AND HOUSING ACT** 20 **(FEHA)]**

21 **(As Against All Defendants)**

22 18. Plaintiff realleges and incorporates by reference paragraphs 1 through 17 inclusive of this
 23 Complaint as if fully set forth at this place.

24 19. At all times herein mentioned, California Government Code § 12940 et seq., the Fair
 25 Employment and Housing Act ("FEHA"), were in full force and effect and were binding on
 26 Defendant and each of them, as Defendant regularly employed five (5) or more persons. The conduct

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 Complaint for Damages

1 of Defendants, and each of them, as herein describe above, constitutes hostile work environment
2 **sexual harassment** in violation of California Government Code § 12940(j). The harassment
3 complained of was based on sex and the harassment complained of was sufficiently severe and/or
4 pervasive so as to alter the conditions of employment and create an abusive working environment.
5 The hostile work environment was directed at Plaintiff and his co-workers in Plaintiff's presence as
6 alleged in the general allegations herein.

7 20. As a proximate result of the aforesaid acts of Defendants, and each of them, Plaintiff has
8 suffered actual, consequential and incidental financial losses, including without limitation, loss of
9 salary and benefits, and the intangible loss of employment related opportunities in his field and
10 damage to his professional reputation, all in an amount subject to proof at the time of trial. Plaintiff
11 claims such amounts as damages pursuant to Civil Code § 3287 and/or § 3288 and/or any other
12 provision of law providing for prejudgment interest.

13 21. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has
14 suffered and continues to suffer emotional distress, humiliation, mental anguish and embarrassment,
15 as well as the manifestation of physical symptoms. Plaintiff is informed and believes and thereupon
16 alleges that he will continue to experience said physical and emotional suffering for a period in the
17 future not presently ascertainable, all in an amount subject to proof at the time of trial.

18 22. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has
19 been forced to hire attorneys to prosecute his claims herein, and has incurred and is expected to
20 continue to incur attorneys' fees and costs in connection therewith. Plaintiff is entitled to recover
21 attorneys' fees and costs under California Government Code § 12965(b).

22 23. The acts taken toward Plaintiff were carried out by Defendant's officers, directors, and/or
23 managing agents acting in a despicable, oppressive, fraudulent, malicious, deliberate, egregious, and
24 inexcusable manner and in conscious disregard for the rights and safety of Plaintiff, thereby
25 justifying an award of punitive damages in a sum appropriate to punish and make an example of
26 Defendants, and each of them.

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Complaint for Damages

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SECOND CAUSE OF ACTION**SEXUAL ORIENTATION HARASSMENT IN VIOLATION OF GOVERNMENT CODE § 12940 ET SEQ. [FAIR EMPLOYMENT AND HOUSING ACT (FEHA)]****(As Against All Defendants)**

24. Plaintiff realleges and incorporates by reference paragraphs 1 through 23 inclusive of this Complaint as if fully set forth at this place.

25. At all times herein mentioned, California Government Code § 12940 et seq., the Fair Employment and Housing Act ("FEHA"), were in full force and effect and were binding on Defendant and each of them, as Defendant regularly employed five (5) or more persons. The conduct of Defendants, and each of them, as herein describe above, constitutes hostile work environment sexual orientation harassment in violation of California Government Code § 12926(m)(q). The harassment complained of was based on sex orientation and the harassment complained of was sufficiently severe and/or pervasive so as to alter the conditions of employment and create an abusive working environment. The attacks were on Plaintiff's sexual identity as alleged in the general allegations herein and were used to create a hostile work environment against Plaintiff and others in Plaintiffs presence as alleged in the general allegations herein..

26. As a proximate result of the aforesaid acts of Defendants, and each of them, Plaintiff has suffered actual, consequential and incidental financial losses, including without limitation, loss of salary and benefits, and the intangible loss of employment related opportunities in his field and damage to his professional reputation, all in an amount subject to proof at the time of trial. Plaintiff claims such amounts as damages pursuant to Civil Code § 3287 and/or § 3288 and/or any other provision of law providing for prejudgment interest.

27. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has suffered and continues to suffer emotional distress, humiliation, mental anguish and embarrassment, as well as the manifestation of physical symptoms. Plaintiff is informed and believes and thereupon

Complaint for Damages

1 alleges that he will continue to experience said physical and emotional suffering for a period in the
2 future not presently ascertainable, all in an amount subject to proof at the time of trial.

3 28. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has
4 been forced to hire attorneys to prosecute his claims herein, and has incurred and is expected to
5 continue to incur attorneys' fees and costs in connection therewith. Plaintiff is entitled to recover
6 attorneys' fees and costs under California Government Code § 12965(b).

7 29. The acts taken toward Plaintiff were carried out by Defendant's officers, directors, and/or
8 managing agents acting in a despicable, oppressive, fraudulent, malicious, deliberate, egregious, and
9 inexcusable manner and in conscious disregard for the rights and safety of Plaintiff, thereby
10 justifying an award of punitive damages in a sum appropriate to punish and make an example of
11 Defendants, and each of them.

12 **THIRD CAUSE OF ACTION**

13 **SEXUAL HARASSMENT IN VIOLATION OF GOVERNMENT CODE § 12940 ET SEQ.**

14 **[FAIR EMPLOYMENT AND HOUSING ACT (FEHA)]**

15 **(As Against All Defendants)**

16 30. Plaintiff realleges and incorporates by reference paragraphs 1 through 29 inclusive of this
17 Complaint as if fully set forth at this place.

18 31. At all times herein mentioned, California Government Code § 12940 et seq., the Fair
19 Employment and Housing Act ("FEHA"), were in full force and effect and were binding on
20 Defendant and each of them, as Defendant regularly employed five (5) or more persons. The conduct
21 of Defendants, and each of them, as herein describe above, constitutes sexual harassment in violation
22 of California Government Code § 12940(j). As described in the general allegations incorporated
23 herein, the physical touching and verbal harassment committed by Plaintiff's supervisor, ZEPPOS,
24 was pervasive and unlawful in violation of the California Fair Employment and Housing Act.

25 32. As a proximate result of the aforesaid acts of Defendants, and each of them, Plaintiff has
26 suffered actual, consequential and incidental financial losses, including without limitation, loss of
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Complaint for Damages

1 salary and benefits, and the intangible loss of employment related opportunities in his field and
 2 damage to his professional reputation, all in an amount subject to proof at the time of trial. Plaintiff
 3 claims such amounts as damages pursuant to Civil Code § 3287 and/or § 3288 and/or any other
 4 provision of law providing for prejudgment interest.

5 33. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has
 6 suffered and continues to suffer emotional distress, humiliation, mental anguish and embarrassment,
 7 as well as the manifestation of physical symptoms. Plaintiff is informed and believes and thereupon
 8 alleges that he will continue to experience said physical and emotional suffering for a period in the
 9 future not presently ascertainable, all in an amount subject to proof at the time of trial.

10 34. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has
 11 been forced to hire attorneys to prosecute his claims herein, and has incurred and is expected to
 12 continue to incur attorneys' fees and costs in connection therewith. Plaintiff is entitled to recover
 13 attorneys' fees and costs under California Government Code § 12965(b).

14 35. The acts taken toward Plaintiff were carried out by Defendant's officers, directors, and/or
 15 managing agents acting in a despicable, oppressive, fraudulent, malicious, deliberate, egregious, and
 16 inexcusable manner and in conscious disregard for the rights and safety of Plaintiff, thereby
 17 justifying an award of punitive damages in a sum appropriate to punish and make an example of
 18 Defendants, and each of them.

19 **FOURTH CAUSE OF ACTION**

20 **RETALIATION IN VIOLATION OF GOVERNMENT CODE § 12940 ET SEQ. [FAIR** 21 **EMPLOYMENT AND HOUSING ACT (FEHA)]**

22 **(As Against Defendant AMERIPRISE and Does 1-50)**

23 36. Plaintiff realleges and incorporates by reference paragraphs 1 through 35 inclusive of this
 24 Complaint as if fully set forth at this place.

25 37. At all times herein mentioned, California Government Code § 12940 et seq. were in full
 26 force and effect and were binding on Defendant and each of them, as Defendant regularly employed

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 Complaint for Damages

1 five (5) or more persons. California Government Code § 12940(h) makes it unlawful for any person
2 to retaliate against an employee who has opposed a discriminatory practice.

3 38. Plaintiff engaged in protected activity by demanding that discriminatory acts by
4 Defendants against Plaintiff and his co-workers cease so that Plaintiff could continue in his position
5 as an investment advisor.

6 39. Plaintiff suffered an adverse employment action, including but not limited to, Defendants
7 constant harassment and discriminatory conduct, as alleged in this Complaint, and being wrongfully
8 investigated, mistreated and constructively terminated by Defendants in response to his complaints.
9 In addition, Defendants wrongfully reported Plaintiff to the Financial Industry Regulatory Authority
10 (hereinafter "FINRA") and had the fact of the investigation placed on Plaintiff's permanent record as
11 set forth on his U5 form with the FINRA.

12 40. Defendants', and each of their, conduct as alleged above constituted unlawful retaliation
13 in employment on account of Plaintiff's demands that discriminatory conduct cease in violation of
14 California Government Code § 12940(h).

15 41. As a proximate result of the aforesaid acts of Defendants, and each of them, Plaintiff has
16 suffered actual, consequential and incidental financial losses, including without limitation, loss of
17 salary and benefits, and the intangible loss of employment related opportunities in her field and
18 damage to her professional reputation, all in an amount subject to proof at the time of trial. Plaintiff
19 claims such amounts as damages pursuant to Civil Code § 3287 and/or § 3288 and/or any other
20 provision of law providing for prejudgment interest.

21 42. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has
22 suffered and continues to suffer emotional distress, humiliation, mental anguish and embarrassment,
23 as well as the manifestation of physical symptoms. Plaintiff is informed and believes and thereupon
24 alleges that he will continue to experience said physical and emotional suffering for a period in the
25 future not presently ascertainable, all in an amount subject to proof at the time of trial.

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Complaint for Damages

1 43. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has
 2 been forced to hire attorneys to prosecute his claims herein, and has incurred and is expected to
 3 continue to incur attorneys' fees and costs in connection therewith. Plaintiff is entitled to recover
 4 attorneys' fees and costs under California Government Code § 12965(b).

5 44. The acts taken toward Plaintiff were carried out by Defendant's officers, directors, and/or
 6 managing agents acting in a despicable, oppressive, fraudulent, malicious, deliberate, egregious, and
 7 inexcusable manner and in conscious disregard for the rights and safety of Plaintiff, thereby
 8 justifying an award of punitive damages in a sum appropriate to punish and make an example of
 9 Defendants, and each of them.

10 FIFTH CAUSE OF ACTION

11 FAILURE TO PREVENT HARASSMENT AND DISCRIMINATION IN VIOLATION OF 12 GOVERNMENT CODE § 12940 ET SEQ. [FAIR EMPLOYMENT AND HOUSING ACT 13 (FEHA)]

14 (As Against Defendant Ameriprise and Does 51-80)

15 45. Plaintiff realleges and incorporates by reference paragraphs 1 through 44 inclusive of this
 16 Complaint as if fully set forth at this place.

17 46. At all times herein mentioned, California Government Code § 12940 et seq. were in full
 18 force and effect and were binding on Defendant and each of them, as Defendant regularly employed
 19 five (5) or more persons. California Government Code § 12940(k) provides that is an unlawful
 20 employment practice for an employer or any other person, because of sex, to fail to take all
 21 reasonable steps necessary to prevent discrimination and harassment from occurring.

22 47. Plaintiff is informed and believes that Defendants, and each of them, willfully and
 23 intentionally engaged in a course of conduct designed to harass and intimidate Plaintiff by creating a
 24 hostile work environment.

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 Complaint for Damages

1 48. Defendants' conduct included, but is not limited to, numerous comments by Defendants to
2 Plaintiff, Plaintiff's coworkers as described in this Complaint due to his gender, sex, sexual
3 orientation and the gender, sex, sexual orientation and race of his co-workers.

4 49. Despite full knowledge of Defendants' conduct, Defendants failed to take immediate and
5 appropriate corrective action to prevent the harassment from continuing. At not time did Defendants
6 take any action in regards to this serious and pervasive conduct.

7 50. Defendants' conduct was a concerted pattern of harassment of a repeated, routine and
8 generalized nature. Plaintiff alleges that Defendant's conduct created an unreasonably abusive and
9 offensive work environment.

10 51. Defendants, conduct as described herein was offensive and abusive and based on
11 Plaintiff's gender, sex, sexual orientation and the gender, sex, orientation and race of his co-workers.
12 Defendants' actions were so severe and pervasive that they altered the conditions of Plaintiff's
13 employment.

14 52. As a proximate result of the aforesaid acts of Defendants, and each of them, Plaintiff has
15 suffered actual, consequential and incidental financial losses, including without limitation, loss of
16 salary and benefits, and the intangible loss of employment related opportunities in his field and
17 damage to her professional reputation, all in an amount subject to proof at the time of trial. Plaintiff
18 claims such amounts as damages pursuant to Civil Code § 3287 and/or § 3288 and/or any other
19 provision of law providing for prejudgment interest.

20 53. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has
21 suffered and continues to suffer emotional distress, humiliation, mental anguish and embarrassment,
22 as well as the manifestation of physical symptoms. Plaintiff is informed and believes and thereupon
23 alleges that he will continue to experience said physical and emotional suffering for a period in the
24 future not presently ascertainable, all in an amount subject to proof at the time of trial.

25 54. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has
26 been forced to hire attorneys to prosecute his claims herein, and has incurred and is expected to

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Complaint for Damages

1 continue to incur attorneys' fees and costs in connection therewith. Plaintiff is entitled to recover
2 attorneys' fees and costs under California Government Code § 12965(b).

3 55. The acts taken toward Plaintiff were carried out by Defendant's officers, directors, and/or
4 managing agents acting in a despicable, oppressive, fraudulent, malicious, deliberate, egregious, and
5 inexcusable manner and in conscious disregard for the rights and safety of Plaintiff, thereby
6 justifying an award of punitive damages in a sum appropriate to punish and make an example of
7 Defendants, and each of them.

8 **SIXTH CAUSE OF ACTION**

9 **FAILURE TO INVESTIGATE HARASSMENT AND DISCRIMINATION IN VIOLATION**
10 **OF CALIFORNIA GOVERNMENT CODE § 12940(j) and (k)**

11 **(As Against Defendant AMERIPRISE AND DOES 81-90)**

12 56. Plaintiff realleges and incorporates by reference paragraphs 1 through 55 inclusive of this
13 complaint as if fully set forth at this place.

14 57. At all times mentioned herein, California Government Code Sections 12940, et seq.,
15 including but not limited to Sections 12940(j) and (k), were in full force and effect and were binding
16 upon Defendants and each of them. These sections impose on an employer a duty to promptly and
17 thoroughly investigate complaints of harassment and discrimination, among other things.

18 58. Plaintiff complained to Defendants regarding the discrimination subjected to him by
19 Defendants by making a complaint to the human resource department and managers. However,
20 Defendants failed to promptly and/or adequately investigate Plaintiff's complaints of harassment and
21 discrimination.

22 59. In failing to promptly and thoroughly investigate Plaintiff's complaints of discrimination,
23 Defendants violated California Government Code § 12940 (j) and (k), causing Plaintiff to suffer
24 damages as set forth.

25 60. As a proximate result of the aforesaid acts of Defendants, and each of them, Plaintiff has
26 suffered actual, consequential and incidental financial losses, including without limitation, loss of
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Complaint for Damages

1 salary and benefits, and the intangible loss of employment related opportunities in her field and
2 damage to her professional reputation, all in an amount subject to proof at the time of trial. Plaintiff
3 claims such amounts as damages pursuant to Civil Code § 3287 and/or § 3288 and/or any other
4 provision of law providing for prejudgment interest.

5 61. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has
6 suffered and continues to suffer emotional distress, humiliation, mental anguish and embarrassment,
7 as well as the manifestation of physical symptoms. Plaintiff is informed and believes and thereupon
8 alleges that he will continue to experience said physical and emotional suffering for a period in the
9 future not presently ascertainable, all in an amount subject to proof at the time of trial.

10 62. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has
11 been forced to hire attorneys to prosecute her claims herein, and has incurred and is expected to
12 continue to incur attorneys' fees and costs in connection therewith. Plaintiff is entitled to recover
13 attorneys' fees and costs under California Government Code § 12965(b).

14 63. The acts taken toward Plaintiff were carried out by Defendant's officers, directors, and/or
15 managing agents acting in a despicable, oppressive, fraudulent, malicious, deliberate, egregious, and
16 inexcusable manner and in conscious disregard for the rights and safety of Plaintiff, thereby
17 justifying an award of punitive damages in a sum appropriate to punish and make an example of
18 Defendants, and each of them.

19 SEVENTH CAUSE OF ACTION

20 (As Against All Defendants and DOES 91-100)

21 64. Plaintiff incorporates herein by reference paragraphs 1 through 63 herein-above as though
22 fully set forth at length herein and made a part thereto.

23 65. In or about January of 2008, AMERIPRISE had two of its employees meet with Plaintiff
24 and accuse him of forging client signatures. Plaintiff denied the allegations and told them to feel free
25 to contact any of his clients to verify. None of the allegations were true and AMERIPRISE never
26 informed Plaintiff of the result of the investigation but rather decided to tell third parties that Plaintiff

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Complaint for Damages

1 was engaged in fraudulent activity and report the investigation to the Financial Industry Regulatory
2 Authority (hereinafter "FINRA") and have the fact of the investigation placed on Plaintiff's
3 permanent record as set forth on his U5 form with the FINRA. The investigation had no merit and
4 none of the allegations were ever substantiated.

5 66. Plaintiff is informed believes and based thereon alleges that Defendants and each of them
6 republished the statements in writing and provided the written complaints to FINRA.

7 67. The statements were false and the investigation had no merit other than to punish Plaintiff
8 for complaining about protected activity.

9 68. As a proximate result of the slanderous and libelous statements made by defendants, and
10 each of them, plaintiffs sustained general damages.

11 69. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them,
12 by herein described acts, conspired to, and in fact, did negligently, recklessly, and intentionally cause
13 excessive unsolicited internal and external publications of defamation, of and concerning Plaintiff, to
14 third persons. These false and defamatory statements included express and implied accusations by
15 Defendants that Plaintiff was engaged fraud and the forging of client signatures.
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17 70. Plaintiff is informed and believes and thereon alleges that during the above-described
18 time-frame Defendants, and each of them, by herein described acts, conspired to, and in fact, did
19 negligently, recklessly, and intentionally cause excessive unsolicited internal and external
20 publications of defamation, of and concerning Plaintiff, to third persons. Those third person(s) to
21 home these Defendants published this defamation are believed to include, but are not limited to,
22 other agents and employees of Defendants, the community, and, directly or indirectly, potential
23 employers of Plaintiff and the Financial Industry Regulatory Authority (hereinafter "FINRA").

24 71. Plaintiff is informed, believes and fears that these false and defamatory per se statements
25 will continue to be published by Defendants, and each of them, and will be foreseeably republished
26 by their recipients, all to the ongoing harm and injury to Plaintiff's business, professional, and
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Complaint for Damages

1 personal reputations. Plaintiff also seeks redress in this action for all foreseeable republications,
2 including his own compelled self-publication of these defamatory statements.

3 72. The defamatory meaning of all of the above-described false and defamatory statements
4 and their reference to Plaintiff, were understood by these above referenced third person recipients
5 and other members of the community who are known to Defendants, and each of them, but are
6 unknown to the Plaintiff at this time.

7 73. None of Defendants' defamatory publications against Plaintiff referenced above are true.

8 74. The above defamatory statements were understood as assertions of fact, and not as
9 opinion. Plaintiff is informed and believes this defamation will continue to be negligently, recklessly,
10 and intentionally published and foreseeably republished by Defendants, and each of them, and
11 foreseeably republished by recipients of Defendants' publications, thereby causing additional injury
12 and damages for which Plaintiff seeks redress by this action.

13 75. Each of these false defamatory per se publications (as set forth above) were negligently,
14 recklessly, and intentionally published in a manner equaling malice and abuse of any alleged
15 conditional privilege, which Plaintiff denies existed, since the publications, and each of them, were
16 made with hatred, ill will, and an intent to vex, harass, annoy, and injure Plaintiff in order to justify
17 the illegal and cruel actions of Defendants, and each of them, to cause further damage to Plaintiff's
18 professional and personal reputation, to cause her to be fired, to justify her firing, and to retaliate
19 against Plaintiff for complaining about an ongoing hostile work environment.

20 76. Each of these publications by Defendants, and each of them, was made with knowledge
21 that no investigation supported the unsubstantiated and obviously false statements, and without
22 investigation into the current state of law or the policies of Defendants. The Defendants, and each of
23 them, published these statements knowing them to be false, and unsustained by any reasonable
24 investigation. These acts of publication were known by Defendants, and each of them, to be
25 negligent and reckless. In fact, not only did Defendants, and each of them, have no reasonable basis
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1 to believe these statements but they also had no belief in the truth of these statements. Defendants,
2 and each of them, excessively, negligently, and recklessly published these statements to individuals
3 with no need to know, and who made no inquiry, and who had a mere general or idle curiosity of this
4 information.

5 77. The above complained-of publications by Defendants, and each of them, were made with
6 hatred and ill will towards Plaintiff and the design and intent to injure Plaintiff, Plaintiff's reputation,
7 employment and employability. Defendants, and each of them, published these statements not with
8 the intent to protect any interest intended to be protected by any privilege, but with negligence,
9 recklessness and/or intent to injure Plaintiff and destroy her reputation. Therefore, no privilege
10 existed to protect any of the Defendants from liability for any of these aforementioned publications
11 or republications.

12 78. As a legal result of the publication and republications of these defamatory statements by
13 Defendants, and each of them, Plaintiff has suffered injury to his personal, business, and professional
14 reputation including suffering embarrassment, humiliation, severe emotional distress, shunning,
15 anguish, fear, loss of employment, and employability, and significant economic loss in the form of
16 lost wages and future earnings, all to Plaintiff's economic, emotional, and general damage in an
17 amount according to proof.

18 79. Defendants, and each of them, committed the acts alleged herein recklessly, maliciously,
19 fraudulently, and oppressively, with the wrongful intention of injuring Plaintiff, for an improper and
20 evil motive amounting to malice, as described above, and which abused and/or the existence of any
21 conditional privilege, which in fact did not exist, and with reckless and conscious disregard of
22 Plaintiff's rights. All actions of Defendants, and each of them, their agents and employees, herein
23 alleged were known, ratified and approved by Defendants, and each of them. Plaintiff thus is entitled
24 to recover punitive and exemplary damages from Defendants, and each of them, for these wanton,
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Complaint for Damages

1 obnoxious, and despicable acts in an amount based on the wealth and ability to pay according to
2 proof at time of trial.

3 80. As a proximate result of the aforesaid acts of Defendants, and each of them, Plaintiff has
4 suffered actual, consequential and incidental financial losses, including without limitation, loss of
5 salary and benefits, and the intangible loss of employment related opportunities in his field and
6 damage to his professional reputation, all in an amount subject to proof at the time of trial. Plaintiff
7 claims such amounts as damages pursuant to Civil Code § 3287 and/or § 3288 and/or any other
8 provision of law providing for prejudgment interest.

9 81. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has
10 suffered and continues to suffer emotional distress, humiliation, mental anguish and embarrassment,
11 as well as the manifestation of physical symptoms. Plaintiff is informed and believes and thereupon
12 alleges that he will continue to experience said physical and emotional suffering for a period in the
13 future not presently ascertainable, all in an amount subject to proof at the time of trial.

14 82. The acts taken toward Plaintiff were carried out by Defendant's officers, directors, and/or
15 managing agents acting in a despicable, oppressive, fraudulent, malicious, deliberate, egregious, and
16 inexcusable manner and in conscious disregard for the rights and safety of Plaintiff, thereby
17 justifying an award of punitive damages in a sum appropriate to punish and make an example of
18 Defendants, and each of them.

19 EIGHTH CAUSE OF ACTION

20 WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY

21 (As Against Defendant AMERIPRISE)

22 83. Plaintiff, re-alleges the information set forth in Paragraphs 1-82 above and by this
23 reference incorporates said paragraphs herein as though fully set forth at length.
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Complaint for Damages

1 84. Under California law, no employee, whether they are an at-will employee or an
2 employee under a written or other employment contract, can be terminated for a reason that is in
3 violation of a fundamental public policy. In recent years, the California courts have interpreted a
4 fundamental public policy to be any articulable constitutional or statutory provision that is concerned
5 with a matter effecting society at large rather than a purely personal or proprietary interest of the
6 employee or the employer. Moreover, the public policy must be fundamental, substantial, and well
7 established at the time of discharge.

8 85. Plaintiff is informed, believes, and based thereon, alleges that Defendant terminated
9 Plaintiff in violation of public policy by terminating him on the basis of him complaining and
10 refusing to acquiesce to the harassment, discrimination and illegal conduct of ZEPPPOS and others
11 about the issues described in the general allegations herein, which are issues that effect society at
12 large as follows:

13 a. by terminating, retaliating, discriminating and harassing Plaintiff for complaining that
14 said Defendants were engaging in conduct that violated the California Government Code section
15 12940, et. seq.

16 86. Plaintiff is informed, believes, and based thereon, alleges that said Defendants
17 constructively terminated Plaintiff in violation of public policy by terminating him because he
18 complained and refused to acquiesce to the harassment, discrimination and illegal conduct of
19 ZEPPPOS and others about the issues described in the general allegations herein The conduct which
20 Plaintiff complained of, that Plaintiff reasonably believed to violate statutes of the State of California
21 subjects said Defendants to liability under *Flait v. North American Watch Co.*, 3 Cal.App.4th 467, 4
22 Cal.Rptr.2d 522 (1992) which held that it is against the public policy of the State of California to
23 terminate an employee for their reasonable but mistaken belief that their employer and/or their
24 employer's agents are engaging in statutorily prohibited conduct. In the case at bar, however, the
25 conduct was in fact statutorily prohibited.

87. By terminating Plaintiff for making complaints and refusing to acquiesce to the activity of ZEPPOS, Defendants violated California Government Code section 12940 et. Seq. , and in doing so, adopted and enforced rules and policies whereby Plaintiff would be retaliated against and terminated for complaining and disclosing to his employer what the Plaintiff reasonably believed to be illegal violations of statutes and regulations of the State of California.

88. All other state and federal statutes, regulations, administrative orders, and ordinances which effect society at large and which discovery will reveal were violated by all named and DOE defendants by terminating and retaliating against Plaintiff for opposing said Defendants conduct in violation of the statutes described herein.

89. Plaintiff alleges that said Defendant violated articulable public policies, affecting society at large, by violating the statutes, as described herein, by retaliating against Plaintiff and terminating him for complaining of that which the Plaintiff reasonably believed constituted violations of the law. Specifically, Plaintiff alleges that said Defendant's violations of the above referred statutes affect society at large as follows:

90. by terminating, retaliating, discriminating and harassing Plaintiff for complaining that said Defendants were engaging in conduct that violated the California Government Code section 12940, et. seq.

91. As a direct, foreseeable, and proximate result of the actions of said Defendants, Plaintiff has suffered, and continues to suffer, physical injuries, severe emotional distress, substantial losses in salary, bonuses and other employment benefits he would have received from said Defendant plus expenses incurred in obtaining substitute employment and not being regularly employed for months, as well as financial losses, all to Plaintiff's damage, in a sum within the jurisdiction of this court, to be ascertained according to proof.

92. The grossly reckless and/or intentional, malicious, and bad faith manner in which said defendants conducted themselves as described in this cause of action by willfully violating those

1 statutes enumerated herein, Plaintiff prays for punitive damages against all named Defendants, and
2 each of them, in an amount within the jurisdiction of this court, to be ascertained by the fact finder,
3 that is sufficiently high to punish said Defendants, and deter them from engaging in such conduct
4 again, and to make an example of them to others.

5 93. Plaintiff is informed, believes, and based thereon, alleges that the outrageous conduct
6 of said Defendants described above, in this cause of action, was done with oppression, and malice,
7 by Plaintiff's supervisors and was ratified by those other individuals who were managing agents of
8 Defendants. These unlawful acts were further ratified by Defendants and done with a conscious
9 disregard for Plaintiff's rights and with the intent, design and purpose of injuring Plaintiff. By reason
10 thereof, Plaintiff is entitled to punitive or exemplary damages against Defendants for their acts as
11 described in this cause of action in a sum to be determined at the time of trial.

12 **NINTH CAUSE OF ACTION**

13 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

14 **(As Against All Defendants)**

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16 94. Plaintiff, realleges the information set for in Paragraphs 1-93 above and by this reference
17 incorporates said paragraphs herein as though fully set forth at length.

18 95. Defendants intentionally and/or recklessly acted in an outrageous manner that they
19 recklessly and/or intentionally knew would subject the Plaintiff to severe emotional distress by:

20 a. harassing, discriminating, retaliating and terminating Plaintiff as described in the general
21 allegations herein.

22 96. Defendants' conduct as alleged in this cause of action, directly and proximately
23 resulted in the Plaintiffs' suffering and continuing to suffer, distress, sleeplessness, stress, anxiety,
24 and depression.
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1 97. As a direct, foreseeable, and proximate result of Defendants' actions, and each of their
2 actions alleged in this cause of action, the Plaintiff has suffered, and continues to suffer, substantial
3 losses in job opportunities, career losses, salary, bonuses, job benefits, and other employment
4 benefits he would have received had said Defendants actions, and each of their actions, not caused
5 him such emotional suffering and grief, all to the Plaintiff's damage, in a sum within the jurisdiction
6 of this court, to be ascertained according to proof.

7 98. As a direct, foreseeable, and proximate result of said Defendant's actions, and each of
8 their actions as alleged in this cause of action which were intentional, malicious, oppressive, and
9 made in a bad faith manner in an attempt to vex, injure, annoy, and/or willfully and consciously
10 disregard the Plaintiff's rights by taking the actions alleged in this cause of action, the Plaintiff prays
11 for punitive damages against said Defendants, and each of them, in a sum within the jurisdiction of
12 this court, to be ascertained, according to proof, in a sufficiently large amount to punish said
13 Defendant, deter future conduct by said Defendant and others behaving like them, and to make an
14 example of said Defendants.

15 99. Plaintiff has been damaged in an amount not yet fully known and to be determined
16 upon trial in the matters herein.

17 100. Plaintiff is informed, believes, and based thereon, alleges that the outrageous conduct
18 of said Defendant described above was done with oppression and malice by said Defendants and
19 done with a conscious disregard for the Plaintiff's rights and with the intent, design and purpose of
20 injuring Plaintiff. By reason thereof, Plaintiff is entitled to punitive or exemplary damages from said
21 Defendant for his acts as described in this cause of action in a sum to be determined at the time of
22 trial.

23 **WHEREFORE, Plaintiff prays for judgment as follows:**

- 24
- 25 1. For general damages in an amount within the jurisdictional limits of this Court;
 - 26 2. For special damages in an amount within the jurisdictional limits of this Court;
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Complaint for Damages

1 3. For medical expenses and related items of expense, according to proof;

2 4. For loss of earnings, according to proof;

3 5. For attorneys' fees, according to proof;

4 6. For prejudgment interest, according to proof;

5 7. For punitive and exemplary damages, according to proof;

6 8. For costs of suit incurred herein; and

7 9. For such other relief and the Court may deem just and proper.

8 DATED: September 18, 2008

LAW OFFICES OF JOSHUA W. GLOTZER

9
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11 BY: 

12 Joshua W. Glotzer, Esq.

13 Attorneys for Plaintiff

14 JUSTIN REESE

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Complaint for Damages

SHORT TITLE: Reese v. Ameriprise Financial Service, Inc., et. al.	CASE NUMBER BC 398483
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**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 10 ☐ HOURS/ ☒ DAYS

Item II. Select the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column B below which best describes the nature of this case.

Step 3: In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|---|--|
| 1. Class Actions must be filed in the County Courthouse, Central District. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in Central (Other county, or no Bodily Injury/Property Damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office. |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4. 1., 2., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 2., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 2., 4.
<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress		1., 2., 3.	
<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death		1., 2., 4.	
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.

Non-Personal Injury/Property Damage/
Wrongful Death Tort (Cont'd.)

Employment

Contract

Real Property

Judicial Review Unlawful Detainer

SHORT TITLE: Reese v. Ameriprise Financial Service, Inc., et. al.		CASE NUMBER BC398483
A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons -See Step 3 Above
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer- Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.

SHORT TITLE: Reese v. Ameriprise Financial Service, Inc., et. al.	CASE NUMBER
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Judicial Review (Cont'd.)

Provisionally Complex
LitigationEnforcement
of JudgmentMiscellaneous Civil
Complaints

Miscellaneous Civil Petitions

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance(21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE: Reese v. Ameriprise Financial Service, Inc., et. al.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		ADDRESS: 11835 West Olympic Blvd., Suite 900E, Los Angeles, CA 90064	
CITY: Los Angeles	STATE: CA	ZIP CODE: 90064	

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Downtown courthouse in the Central District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)).

Dated: September 19, 2008


(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LACIV 109 (Rev. 01/07), LASC Approved 03-04.
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Joshua W. Glotzer, SBN#178228 JOSHUA W. GLOTZER, ESQ., A PROFESSIONAL CORPORATION 6399 Wilshire Blvd., #810 Los Angeles, California 90048 TELEPHONE NO.: (323) 456-0288 FAX NO.: (323) 456-0377 ATTORNEY FOR (Name): Plaintiff, Justin Reese		FOR COURT USE ONLY <div style="font-size: 2em; font-weight: bold; margin: 10px 0;">FILED</div> LOS ANGELES SUPERIOR COURT SEP 19 2008 JOHN A. CLARKE, CLERK BY SHAUNYA WESLEY, DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: 111 N. Hill Street CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: Central District		
CASE NAME: Justin Reese v. Ameriprise Financial Services, Inc., et. al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	
Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		CASE NUMBER: <div style="font-size: 1.5em; font-family: cursive;">BC 398483</div>
		JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|---|--|---|
| Auto Tort
<input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46)
Other P/DPD/W (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other P/DPD/W (23)
Non-P/DPD/W (Other) Tort
<input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-P/DPD/W tort (35)
Employment
<input checked="" type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | Contract
<input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (08)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37)
Real Property
<input type="checkbox"/> Eminent domain/Inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26)
Unlawful Detainer
<input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38)
Judicial Review
<input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20)
Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42)
Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|---|--|---|
2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses
e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|--|--|
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): 9, sexual harassment, orientation harassment, gender, IIED, wrong term
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: September 19, 2008

Joshua W. Glotzer

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.



**Service of Process
Transmittal**

09/30/2008

CT Log Number 513915936



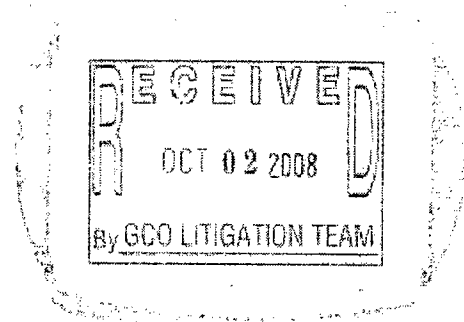
TO: Litigation Counsel
Ameriprise Financial, Inc.
50587 Ameriprise Financial Center
Minneapolis, MN 55474

RE: Process Served in California

FOR: Ameriprise Financial Services, Inc. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Justin Reese, Pltff. vs. Ameriprise Financial Services Inc., et al., Dfts.
DOCUMENT(S) SERVED: Summons, Complaint
COURT/AGENCY: Los Angeles County, Superior Court, Hill Street, CA
Case # BC398483
NATURE OF ACTION: Employee Litigation - Wrongful Termination - April 16, 2008
ON WHOM PROCESS WAS SERVED: C T Corporation System, Los Angeles, CA
DATE AND HOUR OF SERVICE: By Process Server on 09/29/2008 at 13:20
APPEARANCE OR ANSWER DUE: Within 30 days after service
ATTORNEY(S) / SENDER(S): Joshua W. Glotzer
Joshua W. Glotzer, A Professional Corporation
6399 Wilshire Blvd
#810
Los Angeles, CA 90048
323-944-0993
ACTION ITEMS: SOP Papers with Transmittal. via Fed Ex Standard Overnight , 790590587586
Email Notification, Litigation Counsel Litigation_Team@ampf.com
SIGNED: C T Corporation System
PER: Nancy Flores
ADDRESS: 818 West Seventh Street
Los Angeles, CA 90017
TELEPHONE: 213-337-4615



Page 1 of 1 / JD

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

EXHIBIT B

California Business Portal

Secretary of State DEBRA BOWEN

DISCLAIMER: The information displayed here is current as of OCT 10, 2008 and is updated weekly. It is not a complete or certified record of the Corporation.

Corporation		
AMERIPRISE FINANCIAL SERVICES, INC.		
Number: C0696573	Date Filed: 1/11/1974	Status: active
Jurisdiction: DELAWARE		
Address		
1163 AMERIPRISE FINANCIAL CENTER		
MINNEAPOLIS, MN 55474		
Agent for Service of Process		
C T CORPORATION SYSTEM		
818 WEST SEVENTH ST		
LOS ANGELES, CA 90017		

Blank fields indicate the information is not contained in the computer file.

If the status of the corporation is "Surrender", the agent for service of process is automatically revoked. Please refer to California Corporations Code Section 2114 for information relating to service upon corporations that have surrendered.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the City of Irvine, County of Orange, State of California. I am over the age of 18 years and not a party to the within action. My business address is 38 Technology Drive, Suite 100, Irvine, California 92618-2301. On October 29, 2008, I served the documents named below on the parties in this action as follows:

DOCUMENT(S) SERVED: NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. SECTIONS 1332 AND 1441(B)

SERVED UPON: SEE ATTACHED SERVICE LIST

☐

(BY MAIL) I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Irvine, California. I am readily familiar with the practice of Dorsey & Whitney LLP for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

☒

(BY PERSONAL SERVICE) I delivered to an authorized courier or driver authorized by O.C. Corporate Courier to receive documents to be delivered on the same date. A proof of service signed by the authorized courier will be filed with the court upon request.

☐

(BY FEDERAL EXPRESS) I am readily familiar with the practice of Dorsey & Whitney LLP for collection and processing of correspondence for overnight delivery and know that the document(s) described herein will be deposited in a box or other facility regularly maintained by Federal Express for overnight delivery.

☐

(BY FACSIMILE) The above-referenced document was transmitted by facsimile transmission and the transmission was reported as complete and without error. Pursuant to C.R.C. 2009(i), I caused the transmitting facsimile machine to issue properly a transmission report, a copy of which is attached to this Declaration.

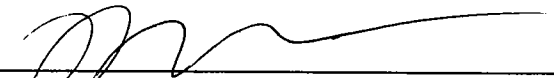
☒

(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐

(FEDERAL) I declare that I am employed in the office of a member of the bar of this court, at whose direction this service was made.

Executed on October 29, 2008, at Irvine, California.


Heather Gribben

SERVICE LIST

Joshua W. Glotzer, Esq.
JOSHUA W. GLOTZER, ESQ. A
PROFESSIONAL CORPORATION
6399 Wilshire Blvd., #810
Los Angeles, California 90048
(323) 456-0288 telephone
(323) 456-0377 facsimile

Darren D. Daniels, Esq.
Law Offices of Darren D. Daniels
8001 Irvine Center Dr Ste 1575
Irvine, CA, 92618
(949) 387-0011 telephone
(949) 753-8131 facsimile

Attorneys for Plaintiff, JUSTIN REESE

Attorneys for Defendant,
GEORGE ALEX ZEPPPOS

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Philip S. Gutierrez and the assigned discovery Magistrate Judge is Charles Eick.

The case number on all documents filed with the Court should read as follows:

CV08- 7137 PSG (Ex)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) JUSTIN REESE		DEFENDANTS AMERIPRISE FINANCIAL SERVICES, INC., a Delaware Corporation, GEORGE ALEX ZEPPUS, and Does 1-100 inclusive	
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) JOSHUA W. GLOTZER and STEVEN M. SWEAT, 6399 Wilshire Blvd., #810, Los Angeles, California 90048, Telephone: (323) 456-0288 or (323) 944-0993		Attorneys (If Known) JESSICA LINEHAN, DORSEY & WHITNEY LLP, 38 Technology Drive, Suite 100, Irvine, California 92618, Telephone: (949) 932-3600	

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:35%; border: none;">Citizen of This State</td> <td style="width:10%; border: none; text-align: center;">PTF DEF</td> <td style="width:35%; border: none;"></td> <td style="width:10%; border: none; text-align: center;">PTF DEF</td> </tr> <tr> <td style="border: none;"></td> <td style="border: none; text-align: center;"><input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1</td> <td style="border: none;">Incorporated or Principal Place of Business in this State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 4 <input type="checkbox"/> 4</td> </tr> <tr> <td style="border: none;">Citizen of Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2 <input checked="" type="checkbox"/> 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5</td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3 <input type="checkbox"/> 3</td> <td style="border: none;">Foreign Nation</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF DEF		PTF DEF		<input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4 <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2 <input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6
Citizen of This State	PTF DEF		PTF DEF														
	<input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4 <input type="checkbox"/> 4														
Citizen of Another State	<input type="checkbox"/> 2 <input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6														

IV. ORIGIN (Place an X in one box only.)

☐ 1 Original Proceeding
 ☒ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify):
 ☐ 6 Multi-District Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No
 MONEY DEMANDED IN COMPLAINT: \$ Over \$25,000

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 The United States District Court has original jurisdiction under the diversity statute 28 U.S.C. Section 1332, and may be removed under 28 U.S.C. Section 1441(b).

VII. NATURE OF SUIT (Place an X in one box only.)

<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
--	---	--	--	---	---

FOR OFFICE USE ONLY: Case Number:

CV08-07137

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Ameriprise Financial Services, Inc. - Minnesota George Alex Zeppos - Massachusetts

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____ Date _____

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the City of Irvine, County of Orange, State of California. I am over the age of 18 years and not a party to the within action. My business address is 38 Technology Drive, Suite 100, Irvine, California 92618-2301. On October 29, 2008, I served the documents named below on the parties in this action as follows:

DOCUMENT(S) SERVED: **CIVIL COVER SHEET**

SERVED UPON: **SEE ATTACHED SERVICE LIST**

☐

(BY MAIL) I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Irvine, California. I am readily familiar with the practice of Dorsey & Whitney LLP for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

☒

(BY PERSONAL SERVICE) I delivered to an authorized courier or driver authorized by O.C. Corporate Courier to receive documents to be delivered on the same date. A proof of service signed by the authorized courier will be filed with the court upon request.

☐

(BY FEDERAL EXPRESS) I am readily familiar with the practice of Dorsey & Whitney LLP for collection and processing of correspondence for overnight delivery and know that the document(s) described herein will be deposited in a box or other facility regularly maintained by Federal Express for overnight delivery.

☐

(BY FACSIMILE) The above-referenced document was transmitted by facsimile transmission and the transmission was reported as complete and without error. Pursuant to C.R.C. 2009(i), I caused the transmitting facsimile machine to issue properly a transmission report, a copy of which is attached to this Declaration.

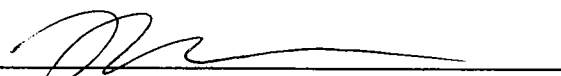
☒

(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐

(FEDERAL) I declare that I am employed in the office of a member of the bar of this court, at whose direction this service was made.

Executed on October 29, 2008, at Irvine, California.


Heather Gribben

SERVICE LIST

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